

Appl. No. 10/811,160
Atty. Docket No. 9596
Appeal Brief dated February 3, 2009
Customer No. 27752

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/811,160
Applicant(s) : Bilskie, et al.
Filed : March 26, 2004
Title : AN APPARATUS FOR SLABBING A
: ROLL OF MATERIAL
TC/A.U. : 3724
Examiner : K. E. Peterson
Conf. No. : 1981
Docket No. : 9596
Customer No. : 27752

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir,

This Brief is filed pursuant to the decision communicated in the Office Action mailed on July 31, 2008.

A timely Notice of Appeal and Pre-Appeal Brief Request for Review were filed on October 21, 2008. The Notice of Panel Decision from Pre-Appeal Brief Review was mailed by the Office on January 6, 2009.

REAL PARTY IN INTEREST

The real party in interest for the present Application S.N. 10/811,160 is The Procter & Gamble Company of Cincinnati, OH by virtue of the Assignment recorded on June 21, 2004 at Reel 014756, Frame No. 0276.

Appl. No. 10/811,160
Atty. Docket No. 9596
Appeal Brief dated February 3, 2009
Customer No. 27752

RELATED APPEALS AND INTERFERENCES

There are no known prior and pending appeals, interferences, or judicial proceedings known to Appellants, the Appellants' legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

In the Notice of Appeal, Appellants appealed the final rejection of all pending Claims 1-20. The complete copy of the appealed Claims is set forth in the Appendix. Claims 1-20 remain pending in the instant application.

1. Claims 1, 3-7, 9, 11-14, 16, and 18-19 remain finally rejected under 35 U.S.C. §103(a) over McCay, et al., U.S. Patent No. 4,506,575, in view of Esping, et al., U.S. Patent No. 6,761,098.
2. Claims 1, 3-5, 9, 11-12, and 16 remain finally rejected under 35 U.S.C. §103(a) over Pyron, et al., U.S. Patent No. 5,759,350 in view of Pienta, U.S. Patent No. 5,308,217.
3. Claims 1, 3-7, 9, 11-14, 16, and 18-19 remain finally rejected under 35 U.S.C. §103(a) over *Pyron* in view of *Pienta* and further in view of *McCay*.
4. Claims 2, 8, 10, 15, 17, and 20 have been withdrawn.

STATUS OF AMENDMENTS

No amendments to the instant claims have been filed by Appellants in response to the Final Office Action dated July 31, 2008.

SUMMARY OF THE CLAIMED SUBJECT MATTER

Claim 1 claims an apparatus (1) for slabbing a roll (R) having a generally cylindrical shape, an axis, an axial dimension, and a radius. (2:27-34; FIG. 1, generally) The roll (R) has a core (C) having a core diameter, an outer circumference, and a wall thickness. (2:35 – 3:4; FIG. 1, generally) The roll also has a material having an outer circumference wound about the core (C). (2:35-36; FIG. 1, generally). The apparatus is provided with a transport element capable of engaging the roll and of conveying the roll to a slabbing position. (3:6-7; FIG. 1 (110)) The transport element further comprises a pair of roll engaging elements capable of penetrating engagement of the core. (3:9-14; FIG. 1 (115)) The apparatus is also

Appl. No. 10/811,160
Atty. Docket No. 9596
Appeal Brief dated February 3, 2009
Customer No. 27752

provided with a cutter capable of separating the material of the roll. (3:19-21; FIG. 1 (120)) The apparatus also comprises an axial-traversing element capable of transporting the cutter at least along the entire axial dimension of the material of the roll as or after the roll is transported the slabbing position. (6:5-8; FIG. 1 (130); FIG 2, generally) The apparatus also comprises a radial-traversing element capable of transporting the cutter at least from the outer circumference of the roll to the outer circumference of the core as or after the roll is transported to the slabbing position. (6:33-36; FIG. 1 (140); FIGS. 2-3, generally) The apparatus also comprises a controller capable of determining a maximum depth of cut. (3:26-28; FIG. 1 (600)) The motion of the radial-traversing element is limited according to the determined maximum depth of cut. (3:27-28)

Claim 9 claims an apparatus (1) for slabbing a roll (R) having a generally cylindrical shape, an axis, an axial dimension, and a radius. (2:27-34; FIG. 1, generally) The roll (R) has a core (C) having a core diameter, an outer circumference, and a wall thickness. (2:35 – 3:4; FIG. 1, generally) The roll also has a material having an outer circumference wound about the core (C). (2:35-36; FIG. 1, generally). The apparatus is provided with a transport element capable of engaging the roll and of conveying the roll to a slabbing position. (3:6-7; FIG. 1 (110)) The transport element further comprises a pair of roll engaging elements capable of penetrating engagement of the core. (3:9-14; FIG. 1 (115)) The apparatus is also provided with a cutter capable of separating the material of the roll. (3:19-21; FIG. 1 (120)) The apparatus also comprises an axial-traversing element capable of transporting the cutter at least along the entire axial dimension of the material of the roll as or after the roll is transported the slabbing position. (6:5-8; FIG. 1 (130); FIG 2, generally) The apparatus also comprises a radial-traversing element capable of transporting the cutter at least from the outer circumference of the roll to the outer circumference of the core as or after the roll is transported to the slabbing position. (6:33-36; FIG. 1 (140); FIGS. 2-3, generally) The apparatus also comprises a controller capable of determining a maximum depth of cut. (3:26-28; FIG. 1 (600)) The apparatus also comprises a material removal section disposed at least partly beneath the slabbing position and capable of receiving material separated from the roll. (11:15-21; FIGS. 2, 3 (400)) The motion of the radial-traversing element is limited according to the determined maximum depth of cut. (3:27-28)

Claim 16 claims an apparatus (1) for slabbing a roll (R) having a generally cylindrical shape, an axis, an axial dimension, and a radius. (2:27-34; FIG. 1, generally) The roll (R)

Appl. No. 10/811,160
Atty. Docket No. 9596
Appeal Brief dated February 3, 2009
Customer No. 27752

has a core (C) having a core diameter, an outer circumference, and a wall thickness. (2:35 – 3:4; FIG. 1, generally) The roll also has a material having an outer circumference wound about the core (C). (2:35-36; FIG. 1, generally). The apparatus is provided with a transport element capable of engaging the roll and of conveying the roll to a slabbing position. (3:6-7; FIG. 1 (110)) The transport element further comprises a pair of roll engaging elements capable of penetrating engagement of the core. (3:9-14; FIG. 1 (115)) The apparatus is also provided with a cutter capable of separating the material of the roll. (3:19-21; FIG. 1 (120)) The apparatus also comprises an axial-traversing element capable of transporting the cutter at least along the entire axial dimension of the material of the roll as or after the roll is transported the slabbing position. (6:5-8; FIG. 1 (130); FIG 2, generally) The apparatus also comprises a radial-traversing element capable of transporting the cutter at least from the outer circumference of the roll to the outer circumference of the core as or after the roll is transported to the slabbing position. (6:33-36; FIG. 1 (140); FIGS. 2-3, generally) The apparatus also comprises a controller capable of determining a maximum depth of cut. (3:26-28; FIG. 1 (600)) The apparatus also comprises a material removal section disposed at least partly beneath the slabbing position and capable of receiving material separated from the roll. (11:15-21; FIGS. 2, 3 (400)) The apparatus also comprises a feed section comprising a roll engaging position and disposed adjacent to the slabbing position. (10:1-6; FIG. 2 (200)) The apparatus also comprises a discharge section comprising a core removal position and disposed adjacent to the slabbing position. (10:17-28; FIG. 3 (300)) The motion of the radial-traversing element is limited according to the determined maximum depth of cut. (3:27-28)

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1, 3-7, 9, 11-14, 16, and 18-19 remain finally rejected under 35 U.S.C. §103(a) over McCay, et al., U.S. Patent No. 4,506,575, in view of Esping, et al., U.S. Patent No. 6,761,098.
2. Claims 1, 3-5, 9, 11-12, and 16 have been finally rejected under 35 U.S.C. 103(a) over Pyron, et al., U.S. Patent No. 5,759,350, in view of Pienta, U.S. Patent No. 5,308,217.
3. Claims 1, 3-7, 9, 11-14, 16, and 18-19 have been finally rejected under 35 U.S.C. 103(a) over Pyron in view of Pienta and further in view of McCay, U.S. Patent No. 4,506,575.

Appl. No. 10/811,160
Atty. Docket No. 9596
Appeal Brief dated February 3, 2009
Customer No. 27752

ARGUMENT

Appellants respectfully submit that Claims 1-20 of the instant Application are patentable over any combination of the *McCay*, *Esping*, *Pyron*, or *Pienta* references referred to *supra*, alone or in combination. The rejection of the instant claims over the *Pyron* and *Pienta* references and the rejection of the instant claims over the *Pyron*, *Pienta*, and *McCay* references will be addressed together since both the *Pienta* and *Pyron* references are common to both rejections.

A. Claims 1, 3-7, 9, 11-14, 16, and 18-19 should not be rejected under 35 U.S.C. §103(a) over McCay, et al., U.S. Patent No. 4,506,575, in view of Esping, et al., U.S. Patent No. 6,761,098.

Claims 1, 3-7, 9, 11-14, 16, and 18-19 have been finally rejected under 35 U.S.C. §103(a) over McCay, et al., U.S. Patent No. 4,506,575, in view of Esping, et al., U.S. Patent No. 6,761,098.

Appellants respectfully submit that the Office Action clearly fails to set forth a *prima facie* case of obviousness in accordance with M.P.E.P. §2143. In order to sustain a rejection under U.S.C. §103(a), each element of the claimed invention must be taught, disclosed, or suggested by the cited references, alone or in combination. “[Section 103] requires assessment of the invention as a whole. . . . This ‘as a whole’ assessment of the invention requires a showing that an artisan of ordinary skill in the art at the time of the invention, confronted by the same problems as the inventor and with no knowledge of the claimed invention, would have selected the various elements from the prior art and combine them in the claimed matter. . . .” *See Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 411 F.3d 1332 (Fed. Cir. 2005) “The objective evidence of unobviousness is not evaluated for its ‘separate knockdown ability’ against the ‘stone wall’ of the *prima facie* case . . . but is considered together with all other evidence, in determining whether the invention as a whole would have been obvious to a person of ordinary skill in the field on the invention.” *Id.* “We recognize that ‘the [obviousness] analysis’ need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.” *See KSR Int’l. Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741 (2007); *see also*, BPAI Appeal 2008-1092, p. 6. “However, *KSR* also teaches that an invention ‘and composed of several elements’ is not proved obvious merely by demonstrating that each of its elements was,

Appl. No. 10/811,160
 Atty. Docket No. 9596
 Appeal Brief dated February 3, 2009
 Customer No. 27752

independently, known in the prior art.” *See Id.* (Citing *KSR* at 1741) “There must be ‘a reason’ that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.” *See Id.*

The *McCay* reference goes into explicit detail describing the cantilevered core support. This detail includes an intricate description of a means for securing the core to the cantilevered support (1:44-48). In a nutshell, this additional structure includes a roll stop pin 19 provided to the tube 18 to limit the movement of the core with respect to the tube 18 and position it correctly. (3:43-46) The cam handle 70 is rotated to the crank position shown in FIG. 3 and the camshaft is rotated thereby rotating the cams 60 and lifting the pins 61 to the opening 62 in the tube 18. (3:46-49) This lifts the locking plate 17 inside the core which is placed on the machine to engage the inner surface of the core. (3:49-51) The specification also states that appropriate means such as a ratchet means or pawl and detent means may be utilized to hold the crank handle 70 or the crank shaft 50 in a locked position. (3:51-54) In practice, the camshaft 50 may have a sufficiently tight fit in the sleeves 51 and 55 so that such additional locking means may not be necessary. (3:54-57) Ostensibly, this additional apparatus is provided within the cantilevered tube to prevent a core so disposed thereupon from sliding or rotating, thereby protecting the fiberboard core during the slabbing process.

It can be clearly seen that the additional apparatus required within the cantilevered tube is both an integral and a necessary part of the disclosed invention. Merely inserting the side supports 7 and 8 of the *Esping* reference to lift the core cannot be considered an easily provided substitution. In fact, it is inconceivable as to how the *Esping* reference can be combined with, or in fact substituted for, the *McCay* apparatus. There clearly is no motivation within either the *McCay* or *Esping* references to provide for the substitution of an *Esping*-like device into the *McCay* slabbing apparatus having the core holding mechanism. To this end, Appellants agree with the Examiner that there is no such motivation “which is something that *McCay* currently lacks.” (July 31, 1008 Office Action, p. 5, Para. 5)

Respectfully, it appears to Appellants that the Examiner is completely obviating the teaching, suggestion, or motivation test provided by the Federal Circuit. It is abundantly clear that the *McCay* reference goes an exceptionally long way to require that the cantilevered tube is a necessary part of the disclosed invention. This is because it is critical that the core remain in a fixed position with respect to the drive unit and carriage device. (3:51-66) The side supports of the *Esping* reference do nothing to fix the core with respect to

Appl. No. 10/811,160
Atty. Docket No. 9596
Appeal Brief dated February 3, 2009
Customer No. 27752

the carriage of the *McCay* reference. Likewise, for the reasons stated previously, feeding cores onto the cantilevered tube of the *McCay* reference is not the same as providing cores to an apparatus such as that disclosed by *Esping*. Utilization of the side supports of the *Esping* reference to position a core onto the *McCay* cantilevered tube 18 would likely provide a catastrophic drop onto the floor or other supporting structure of the roll to be slabbed upon removal of one or more of the side supports.

Thus, it should be abundantly clear that the *McCay* reference, in view of the *Esping* reference, does not and cannot teach, disclose, or even provide a modicum of a suggestion to each and every element of Appellants' claimed invention as required by the Court in *KSR*. In particular, the *McCay* and *Esping* references, alone or in combination, do not disclose or suggest Appellants' claimed apparatus for slabbing a roll. Accordingly, the rejection of the instant claims under 35 U.S.C. §103(a) over the *McCay* and *Esping* references should be withdrawn.

B. Claims 1, 3-5, 9, 11-12, and 16 should not be rejected under 35 U.S.C. 103(a) over Pyron, et al., U.S. Patent No. 5,759,350, in view of Pienta, U.S. Patent No. 5,308,217.
Additionally, Claims 1, 3-7, 9, 11-14, 16, and 18-19 should not be rejected under 35 U.S.C. 103(a) over Pyron in view of Pienta and further in view of McCay, U.S. Patent No. 4,506,575.

Claims 1, 3-5, 9, 11-12, and 16 have been rejected under 35 U.S.C. 103(a) over Pyron, et al., U.S. Patent No. 5,759,350, in view of Pienta, U.S. Patent No. 5,308,217. Additionally, Claims 1, 3-7, 9, 11-14, 16, and 18-19 have been finally rejected under 35 U.S.C. 103(a) over Pyron in view of Pienta and further in view of McCay, U.S. Patent No. 4,506,575. For the sake of brevity, the separate rejections of the affected claims are addressed together since the references utilized by the Examiner are used in a similar combination.

Appellants respectfully submit that the Office Action again has failed to set forth a *prima facie* case of obviousness in accordance with M.P.E.P. §2143. Specifically, the Office Action has failed to provide evidence as to where the *Pyron*, *Pienta*, and/or *McCay* references teach, disclose, or suggest Appellants' claimed invention. For example, the *Pyron* reference discloses that the spool 15 of unwanted paper 20 is mounted via step 35 on a pair of spaced apart rails 37. (5:41-43) This presumes that a bar, pipe, or other object must be inserted into the core of the spool 15 and then disposed between two spaced apart rails 37, as

Appl. No. 10/811,160
Atty. Docket No. 9596
Appeal Brief dated February 3, 2009
Customer No. 27752

shown in Fig. 4 of the *Pyron* reference. This is not what Appellants claim as their invention. It is clearly stated in Claim 1 that Appellants' transport element comprises **a pair** of roll engaging elements capable of penetrating engagement of the core. A singular bar, as provided by the *Pyron* reference, does not constitute a pair of roll engaging elements as required by Appellants' claim. Further, the spaced apart rails 37 are fixed in position and are incapable of movement relative to the core. Therefore, it stands to reason that the roll engaging portions of the *Pienta* and *McCay* references cannot be used in concert with a fixed device. Further, the cantilevered tube disclosed by the *McCay* reference does nothing to repair the deficiencies clearly present in both the *Pyron* and *Pienta* references.

Since it is evident that the *Pyron* reference requires a singular insert, it is difficult to understand how the roll chucking apparatus, such as that disclosed by *Pienta* or the *McCay* apparatus, can be used in junction therewith. The *Pienta* reference requires movement of each of the chucking devices and does not provide for the disposition of the chuck and core apparatus onto the fixably spaced supports 37 present in the *Pyron* reference. Further, insertion of a bar into the core or spool of a roll to be slabbed, as is required by the *Pyron* reference, would necessarily obstruct the resulting core access points so necessary for the *Pienta* reference. If the core holes are obstructed, one must ask how the roll chucks of the *Pienta* reference can access the internal portion of the core so necessary for operation of that apparatus. This ostensibly odd and incompatible collection of parts are clearly not what Appellants claim as their invention.

Further, if one were to assume, *arguendo*, that the core 15 of the *Pyron* reference having the unwanted paper 20 disposed thereon is directly positioned upon the spaced apart rails 37, one of skill in the art is likely to understand the removal of the unwanted paper 20 could not be possible. This is because direct positioning of the spool 15 of unwanted paper 20 upon the spaced apart rails 37 would necessarily dispose a significant amount of the unwanted paper 20 between the spool and the spaced apart rail 37. This would clearly render the *Pyron* apparatus inoperable. In other words, it is difficult to see how elements that ostensibly internally engage a spool of unwanted paper, such as those envisioned by the *Pienta* and *McCay* references, could be fashioned to operate with the *Pyron* reference.

Again, the Examiner has failed to provide any clear or particular suggestion of combinability with any of the references cited that would render Appellants' instant claims obvious. "An invention is not proved obvious merely by demonstrating that each of its

Appl. No. 10/811,160
Atty. Docket No. 9596
Appeal Brief dated February 3, 2009
Customer No. 27752

elements was independently known in the prior art. *See KSR* at 1741; BPAO Appeal 2008 – 1092, p. 6. There clearly is no motivation to combine the teachings of the *Pyron*, *Pienta* and *McCay* references to render the instant invention obvious. Appellants respectfully believe that the *Pyron* reference, alone or in combination with any of the *Pienta* or *McCay* references, does not, and cannot, teach, disclose, or provide even a modicum of suggestion for each and every element of Appellants' claimed invention. In particular, the combination of the *Pyron*, *Pienta* and *McCay* references cannot be construed in any reasonable way to teach, disclose, or even provide a modicum of a suggestion for Appellants' claimed apparatus for a slabbing roll. Accordingly, the instant rejection of the claims under 35 U.S.C. §103(a) over the *Pyron*, *Pienta* and *McCay* references should be summarily withdrawn.

CONCLUSION

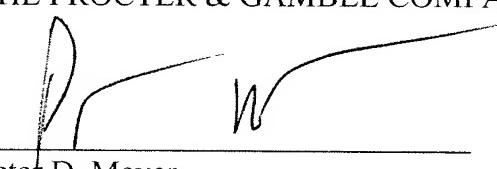
In view of the foregoing, allowance of instant Claims 1-20 is respectfully requested. The Examiner is respectfully invited to telephone Appellants' attorney at the number listed below with any questions or comments.

If any additional charges are due, the Examiner is hereby authorized to deduct such charge from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By:


Peter D. Meyer
Attorney for Appellants
Registration No. 47,792
(513) 983-9084

February 3, 2009
Customer No. 27752

Appl. No. 10/811,160
Atty. Docket No. 9596
Appeal Brief dated February 3, 2009
Customer No. 27752

CLAIMS APPENDIX

1. (Rejected) An apparatus for slabbing a roll having a generally cylindrical shape, an axis, an axial dimension, a radius, a core having a core diameter an outer circumference and a wall thickness, and a material having an outer circumference wound around the core, the apparatus comprising:
 - a) a transport element capable of engaging the roll and of conveying the roll to a slabbing position, said transport element further comprising a pair of roll engaging elements capable of penetrating engagement of the core,
 - b) a cutter capable of separating the material of the roll,
 - c) an axial-traversing element capable of transporting the cutter at least along the entire axial dimension of the material of the roll as, or after, the roll is transported to the slabbing position,
 - d) a radial-traversing element capable of transporting the cutter at least from the outer circumference of the roll to the outer circumference of the core as, or after, the roll is transported to the slabbing position, and
 - e) a controller capable of determining a maximum depth of cut,
wherein the motion of the radial-traversing element is limited according to the determined maximum depth of cut.
2. (Rejected) The apparatus according to claim 1 wherein the cutter comprises a powered cutting blade.
3. (Rejected) The apparatus according to claim 1 further comprising a feed section disposed adjacent to the slabbing position,
wherein the transport element is capable of engaging a roll disposed in the feed section and of conveying the roll from the feed section to the slabbing position.
4. (Rejected) The apparatus according to claim 1 further comprising a discharge section disposed adjacent to the slabbing position,
wherein the roll may be conveyed to the discharge section from the slabbing position.

Appl. No. 10/811,160
Atty. Docket No. 9596
Appeal Brief dated February 3, 2009
Customer No. 27752

5. (Rejected) The apparatus according to claim 1 further comprising a material removal section disposed at least partly beneath the slabbing position and capable of receiving material separated from the roll.
6. (Rejected) The apparatus according to claim 1 wherein the cutter is attached to the axial-traversing element and the axial-traversing element is attached to the radial-traversing element.
7. (Rejected) The apparatus according to claim 6 wherein the axial-traversing element is capable of transporting the cutter beyond the entire axial dimension of the roll to a cutter parking position.
8. (Rejected) The apparatus according to claim 1 further comprising a sensor capable of detecting the material of the roll.
9. (Rejected) An apparatus for slabbing a roll having a generally cylindrical shape, an axis, an axial dimension, a radius, a core having a core diameter an outer circumference and a wall thickness, and a material having an outer circumference wound around the core, the apparatus comprising:
 - a) a transport element capable of engaging the roll and of conveying the roll to a slabbing position, said transport element further comprising two roll engaging elements capable of engaging said core,
 - b) a cutter capable of separating the material of the roll,
 - c) an axial-traversing element capable of transporting the cutter at least along the entire axial dimension of the material of the roll as, or after, the roll is transported to the slabbing position,
 - d) a radial-traversing element capable of transporting the cutter at least from the outer circumference of the roll to the outer circumference of the core as, or after, the roll is transported to the slabbing position,
 - e) a controller capable of determining a maximum depth of cut according to the core wall thickness, and

Appl. No. 10/811,160
Atty. Docket No. 9596
Appeal Brief dated February 3, 2009
Customer No. 27752

f) a material removal section disposed at least partly beneath the slabbing position and capable of receiving material separated from the roll,
wherein the motion of the radial-traversing element is limited according to the determined maximum depth of cut.

10. (Rejected) The apparatus according to claim 9 wherein the cutter comprises a powered cutting blade.

11. (Rejected) The apparatus according to claim 9 further comprising a feed section disposed adjacent to the slabbing position,
wherein the transport element is capable of engaging a roll disposed in the feed section and of conveying the roll from the feed section to the slabbing position.

12. (Rejected) The apparatus according to claim 9 further comprising a discharge section disposed adjacent to the slabbing position,
wherein the roll may be conveyed to the discharge section from the slabbing section.

13. (Rejected) The apparatus according to claim 9 wherein the cutter is attached to the axial-traversing element and the axial-traversing element is attached to the radial-traversing element.

14. (Rejected) The apparatus according to claim 13 wherein the axial-traversing element is capable of transporting the cutter beyond the entire axial dimension of the roll to a cutter parking position.

15. (Rejected) The apparatus according to claim 9 further comprising a sensor capable of detecting the material of the roll.

16. (Rejected) An apparatus for slabbing a roll having a generally cylindrical shape, an axis, an axial dimension, a radius, a core having a core diameter an outer circumference and a wall thickness, and a material having an outer circumference wound around the core, the apparatus comprising:

Appl. No. 10/811,160
Atty. Docket No. 9596
Appeal Brief dated February 3, 2009
Customer No. 27752

- a) a transport element integral with said apparatus that engages the roll and conveys the roll to a slabbing position, said transport element further comprising two roll engaging elements capable of engaging said core,
- b) a cutter that separates the material of the roll from itself,
- c) an axial-traversing element that transports the cutter at least along the entire axial dimension of the material of the roll as, or after, the roll is transported to the slabbing position,
- d) a radial-traversing element that transports the cutter at least from the outer circumference of the roll to the outer circumference of the core as, or after, the roll is transported to the slabbing position,
- e) a controller that determines a maximum depth of cut,
- f) a material removal section disposed at least partly beneath the slabbing position that receives material separated from the roll,
- g) a feed section comprising a roll-engaging position and disposed adjacent to the slabbing position, and
- h) a discharge section comprising a core-removal position and disposed adjacent to the slabbing position,
wherein the motion of the radial-traversing element is limited according to the determined maximum depth of cut.

17. (Rejected) The apparatus according to claim 16 wherein the cutter comprises a powered cutting blade.

18. (Rejected) The apparatus according to claim 16 wherein the cutter is attached to the axial-traversing element and the axial-traversing element is attached to the radial-traversing element.

19. (Rejected) The apparatus according to claim 16 wherein the axial-traversing element is capable of transporting the cutter beyond the entire axial dimension of the roll to a cutter parking position.

Appl. No. 10/811,160
Atty. Docket No. 9596
Appeal Brief dated February 3, 2009
Customer No. 27752

20. (Rejected) The apparatus according to claim 16 further comprising a sensor capable of detecting the material of the roll.

Appl. No. 10/811,160
Atty. Docket No. 9596
Appeal Brief dated February 3, 2009
Customer No. 27752

EVIDENCE APPENDIX

N/A

Appl. No. 10/811,160
Atty. Docket No. 9596
Appeal Brief dated February 3, 2009
Customer No. 27752

RELATED PROCEEDINGS APPENDIX

N/A